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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the World Evangelical Alliance, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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1814427

Please recycle

India: The Situation for Religious Minorities Has Worsened**

1. Situation for minorities in India has worsened steadily under the current Government. The two minority communities that have had to bear the brunt mostly have been the Muslims and the Christians. The Dalits too have been targeted.

2. Attacks on minorities increased right after the swearing in of Mr. Narendra Modi in May 2014, with an election campaign tainted with hate speech against minorities. Even as election results were declared, many members of the BJP and the RSS family of organizations (RSS is the Rashtriya Swayamsevak Sangh or National Volunteer Organization), indulged further in hate speech, in a mode of triumph.

3. The killing of Mohsin Mohammed Shaikh, an IT professional, in Pune, Maharashtra, made national headlines and was the first death after Mr. Modi's swearing in on May 26, 2014. Shaikh, a Muslim, was attacked on June 4, 2014, by members of the Hindu Rashtra Sena (Hindu Nation Army) over an alleged Facebook post, during heightened communal tensions, and later succumbed to his injuries in a hospital. To date, Indian authorities have failed to convict anyone of this murder.

4. Attacks on minorities have continued unabated since then. Riots, hate speeches, lynch mobs, attacks and murder of mostly Muslims by cow vigilantes (in the name of "cow protection"), attacks on Churches and Christian workers, assaults on Christian homes alleging conversion activities and arrests on false and trumped up charges are some of the ways that the minorities in India have been coping up under an administration that remains silent when they are attacked and so encourages impunity among radical nationalist forces that target and attack the minorities in India.

5. It is estimated by various groups that over 76 people have been killed in incidents of mob violence in India since 2015. According to the website http://lynch.factchecker.in, 36 people have been lynched by cow vigilantes since 2012 onwards in 90 incidents that affected 296 victims. This prompted the Supreme Court to ask the Parliament to pass laws establishing lynching as a separate offence with punishment. The Apex Court condemned the incidents of lynching and the targeting of Dalits and Minorities and termed the incidents as "horrendous acts of mobocracy". In August 2018, Prime Minister Modi has for the first time condemned violence against minorities, saying that everyone has a duty to fight the "menace" of mob lynching.

6. According to the government's own data as shared in the parliament in February 2018 by the Minister of State in the Ministry of Home Affairs, incidents of sectarian violence rose by 28% from 2014 to 2017 with the state of Uttar Pradesh leading the tally. The state of Uttar Pradesh saw a bitterly contested and much polarized State Legislative Election in the early part of 2017. These elections led an Indian monk and Hindu nationalist politician, Yogi Adityanath, to become Chief Minister of Uttar Pradesh. Mr. Adityanath has indulged in hate speech and has incited violence against minorities.

7. As far as Christians are concerned, the year 2017 and the first six months of 2018 have been among the most traumatic periods for the minority community. The Religious Liberty Commission of the Evangelical Fellowship of India documented at least 351 cases of targeted hate and sectarian violence against Christians in 2017. This was by no means an exhaustive compilation as it is based on voluntary reporting and civil society investigations. Most cases go unreported either because the victim is terrified or the police, especially in the

northern states, just turn a blind eye and refuse to record the mandatory First Information Report. The first six months of 2018 have seen over 120 incidents being reported from all over the country with Uttar Pradesh and Tamil Nadu leading the tally, consistent with the trends in 2017.

8. Several Indian states have managed to pass and implement "Freedom of Religion" Acts. Known popularly as Anti-Conversion laws, these acts actually curtail the Freedom of Religion despite the constitution granting Freedom of Religion to all citizens. In 2018, Jharkhand and Uttarakhand became two new states to have passed and implemented this Act through their respective legislatures. The total tally of states having these laws now stands at seven with Madhya Pradesh, Chhattisgarh, Orissa, Himachal Pradesh and Gujarat being the other five.

9. The newly implemented laws in Jharkhand and Uttarakhand bring back the prior permission clause which states that a citizen must have the permission of the state prior to his or her conversion from one faith to another. This is a gross denial of the freedom of conscience as enshrined in the constitution and contained in the various international treaties of which India is a party.

10. India has sought, through the Constitution (Scheduled Castes) Order 1950, to improve the situation of schedule casts. The order limits the "scheduled caste" rights to Hindus and denies affirmative action to Christian Dalits. This Presidential Order constitutes therefore a major denial of justice for minorities, in particular for Dalits choosing to leave Hinduism for another faith. A Dalit who convert to other 'Indic' religions such as Sikhism and Buddhism still benefit from the affirmative action presidential order, but conversion to 'Semitic' religions such Christianity and Islam denies them this same benefit.[1] Freedom of belief, and change of religion, is a right otherwise guaranteed by the Constitution of India. But now Dalit Hindus cannot convert to any religion other than Buddhism and Sikhism or else they would lose their jobs or scholarships if they chose Islam or Christianity.

11. We hope that the various state governments and the union government will uphold fundamental rights especially the right to Freedom of Religion or Belief, through concrete action and enforcement of law, without partiality.

12. In this context, the World Evangelical Alliance would like to ask the members of the Human Rights Council to address freedom of religion in India, and makes the following recommendations to the Government of India:

- Enact a comprehensive national legislation against targeted and communal violence.
- Enforce rule of law and arrest members of groups promoting sectarian hate and violence and others who attack persons on mere suspicion of consumption or storage of beef or on alleged charges of forced or fraudulent conversions, and to take stringent action against them as per the law.

[1] Paragraph 3 of the Constitution (Scheduled Castes) Order 1950, states that: "No person who professes a religion different from the Hindu, the Sikh and the Buddhist religion shall be deemed to be a member of a Schedule Caste [from the Dalit community]." Some statistics put the Christian population from the Schedule Caste backgrounds at 70% of total Indian Christians. This population is economically poor and engaged in menial occupations.

- Ensure stringent action under criminal law against all those who channel hate speech with the intention of inciting violence and hatred against the Christian community.

- Advise State Governments to take adequate measures to protect Christian places of worship which are being increasingly targeted and attacked by violent groups who disrupt Christian worship and attack innocent Christians on false allegations that "conversions" are being performed during the worship services. This kind of attack amounts to desecration and hurting of religious sentiments of the entire community.

- Prosecute police officials who fail in their constitutionally mandated duty to enforce the law of the land, by being complicit in attacks against religious minorities, and by shielding the attackers or otherwise scuttling due process of law.

- Provide trainings through the Ministry of Home Affairs, on human rights and religious freedom standards and practices to the state and central police and judiciary.

- Advise the state governments of Arunachal Pradesh, Orissa, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh and Jharkhand to repeal the anti-conversion laws known as Freedom of Religion Acts as well as abandon efforts towards a national anti-conversion law which would only curb the fundamental right to freedom of religion or belief, particularly of religious minorities in India.

- Amend paragraph 3 of the Constitution (Scheduled Castes) Order 1950 to include Christians and Muslims.

- Ensure that an active Commission for Human Rights and Commission for Minorities is operational in every state, and that members of each commission are appointed by transparent and non-partisan procedures.

- Prevent and pursue through the judicial process, all violent acts against religious and tribal minorities and Dalits.

**The Religious Liberty Commission of the Evangelical Fellowship of India, NGO without consultative status, also share the views expressed in this statement.

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Human rights situations that require the Council's attention

Joint written statement* submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in general consultative status, and the World Evangelical Alliance, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Nigeria: Government Needs to Do More to Stem the Herdsmen-Farmers Violence

1. The Commission of the Churches on International Affairs of the World Council of Churches and the World Evangelical Alliance would like to bring to the attention of the Human Rights Council recent developments in Nigeria which impact the enjoyment of human rights by the Nigerian population, namely the right to life.

Violence and Insecurity

2. In the first half of 2018, more than 1,300 Nigerians have been killed, and more than 70,000 displaced, as a result of violence between herders and farmers in Nigeria's central states. Violence originating in land-use disputes is exacerbating ethnic tensions and is taking more and more a religious dimension.

3. Over 70 people were killed in January 2018 following weeks of violence between nomadic herdsmen and farmers. Nineteen people, including two priests, were killed in Benue State in April after a gunman opened fire at a church. In June 2018, over 200 people were killed in Jos, the capital city of Plateau State.

4. These attacks are not new. In March 2010, more than 500 people were massacred by herdsmen in Dogon Na Hauwa, the worst such incident in Nigeria's recent history. As increasing drought and desertification reduce available land for the herdsmen's cattle in the northern Sahelian belt, we fear that the violence, killing and internal displacement are likely to increase.

5. We share the assessment of the Special Representative of the UN Secretary-General for West Africa and the Sahel, Mohamed Ibn Chambas, said that the violence was a major security threat in the region, warning that it risks changing into terrorist attacks.

6. We welcome the adoption of an Anti-Grazing Law in October 2017 by Benue, Taraba, and Adamawa State governments. The law forbids open rearing and grazing of livestock and requires herdsmen to compensate farmers whose crops are destroyed by cattle on their lands. It calls for the establishment of ranches and livestock administration, regulation and control to cater for the herds. However, these laws have failed to reduce tensions between farming and herding communities, as we can see from the sharp rise in violent attacks had occurred since. Furthermore, these laws failed to enact the necessary structural changes, namely encouraging herders to become ranchers.

7. Religion is being used to justify extremism, violence and killings. The violence has taken a religious dimension, involving Muslims and Christians. Sectarian hostility raises the concern of fueling the conflict. Poverty is a contributing factor to the violence because young, uneducated men are sometimes encouraged to commit violent acts in communities in return for payment from extremists and other sponsors who finance such violations for their personal or political benefit.

Government Failure and Inaction

8. The government has failed to address reports of attacks, resulting in a culture of silence. Early June 2018, Nigerian president Muhammadu Buhari had pledged to end the killings in the regions of the Middle Belt. However, only a few weeks later, 200 people were killed, mostly farmers killed by herdsmen.

9. We welcome the Nigerian federal government 'National Livestock Transformation Plan', which aims at permanently solving the farmers-herdsmen clashes in Nigeria. We look forward to seeing this plan and its six pillars unfold, and to seeing healing in the relationship between farmers and herdsmen, and more widely between Muslims and Christians.

10. On 1 August 2018, the Christian Association of Nigeria's Adamawa State chapter addressed a letter to President Muhammadu Buhari, condemning the "mindless massacre" of the predominantly Christian farming communities by Fulani herdsmen, and accusing the president of inaction, despite its repeated calls for toughened security measures.

11. The Catholic Bishops Conference of Nigeria repeatedly expressed concerns over the inability of the Nigerian government to deal with the situation.

Recommendations to the Government of Nigeria

12. The right to life has been seriously violated by the on-going conflict between predominately Christian farmers and the predominately Muslim Fulani herdsmen. Efforts to improve security have proved to be insufficient. We recommend the deployment of adequate security by the Government in Benue, Plateau, Adamawa, Nasarawa and Taraba states.

13. The culture of impunity concerning violence and killings must be addressed, and perpetrators brought to justice.

14. Adequate security should be provided for worship places.

15. The government should examine ways to address and arbitrate religious conflict on all levels of society, including through roundtable discussions and interfaith dialogue.

16. Regional forums of religious leaders and non-discriminatory grassroots level interfaith dialogue groups should be established with regular meetings and activities aimed at peaceful co-existence, tolerance and interaction, to address misunderstandings, promote learning from each other, and advance mutual respect and harmony. Religious leaders should aim to become agents of peace in their preaching and practice.

Recommendations to the International Community

17. Support the Nigerian government as it further deploys its military, particularly in Benue, Plateau, Adamawa, Nasarawa and Taraba states, and as it implements its National Livestock Transformation Plan.

Internal Displacement

18. Years of insurgency and counterinsurgency operations have resulted in the displacement of approximately 1.9 million people in Nigeria's northeast, particularly Borno state. In more recent years, farmers in Plateau, Benue, and Kaduna States have been particularly affected and displaced as a result of Fulani herdsmen violence.

19. At local workshops organized by the Commission of the Churches on International Affairs of the World Council of Churches, IDPs have reported that the Government has failed to address the violence and that they

cannot return to their villages. They do not trust the military to protect them, so they have armed themselves. They reported that the weapons used in the conflict with the Fulani, as well as in gang and other violence, enter Nigeria through the porous borders with Niger and Chad, and some weapons have been traced to Turkey. The ready accessibility of arms on the black market has added to levels of violence.

20. The IDPs have little or no adequate accommodation, no farmland or access to food, or means of earning a living. They cannot send their children to school, have no access to health care, no clean water and if they drink the water available, they become ill. They have received no compensation for the homes they lost.

Recommendations to the Government of Nigeria

21. The government must tackle the injustice that IDPs have suffered and ensure their safe return journey to their villages and homes.

22. Measures must be taken to address the psychological trauma which is being experienced by those who have suffered violence and displacement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Bangladesh: Creation of country mandate needed to monitor human rights situation

The Asian Legal Resource Centre (ALRC) once again draws the attention of the Human Rights Council and the Special Procedures to the massive arbitrary detention occurring in Bangladesh. The country's law-enforcement agencies, constituting the Police, the Rapid Action Battalion (RAB) and the Directorate General Forces Intelligence (DGFI), have been continuously arresting and detaining people arbitrarily.

Bangladesh's overcrowded prisons are presently housing over 10,000 opposition activists. Since protests began in mid-February 2018 for reforming the public service commission's employment quota system, there has been an escalation of arbitrary arrest and detention. The situation further deteriorated with recent student protests at the deaths of several students in a road accident on July 29, 2018. Scores of young students of different colleges and universities were arbitrarily detained through 'block raids' conducted by law-enforcement agencies. The actual number of the detainees could not be ascertained as law-enforcement agencies insisted on a media blackout during the raids and afterwards. The media has only been allowed to publish information provided by the law-enforcement agencies.

One prominent arbitrary detention that occurred during the student protests is that of Shahidul Alam, globally reputed photographer and activist, under a trumped up cybercrime case. Being internationally known for his research and teaching, Shahidul Alam received much support from global civil society actors. However, tens of thousands of innocent people languish in custody after being arbitrarily detained, without recourse to any judicial remedy or civil society support. In fact, the large scale arrest of ordinary people who have little financial or political clout, is used by the Bangladesh police to cover up its inefficiency in crime investigation, or its allegiance to the offenders. Police allegiance to politicians also makes opposition activists prime targets for arrest and detention. Bangladesh police act as the musclemen of ruling political groups, coming down hard on dissenting voices and whistle-blowers.

Bangladesh is expected to have parliamentary elections by the end of 2018. The incumbent government, which seriously lacks legitimacy because of its renewal of power through the sham election of 2014, has intensified the practice of arbitrary arrests and detentions along with other gross violations of human rights such as enforced disappearances, extrajudicial executions, and torture, leaving little room for opposition or debate. There are secret detention centres across the country, where law enforcement agencies hold people incommunicado.

Victims of arbitrary arrest and detention are nearly always tortured, and these victims are then further subject to fabricated charges. Bangladesh's justice institutions are complicit in this practice of arbitrary arrest, detention and other forms of ill-treatment. The country's judiciary, from the Magistracy to the Supreme Court, denies remedies to victims of arbitrary arrest and detention. Instead, the subordinate judiciary orders detainees to be sent to "police remand" for further "interrogation", responding to the wish of the police, even though it is well known that "remand" is synonymous with "torture".

The case of Shahidul Alam again proves how the law-enforcement agencies and the judiciary are complicit in rights abuse. Shahidul Alam complained of being 'hurt to bleed' and his clothes were washed in custody before he was produced to the Court. The Magistrate ignored such a serious complaint of custodial abuse however, and instead sentenced him to seven days remand. At the time of submitting this written statement, Shahidul Alam is being detained in the Dhaka Central Jail and denied medical treatment, which he urgently needs for his physical wellbeing at the age of 63.

The ALRC has consistently informed the United Nations Human Rights Council and the international community about the human rights realities of Bangladesh. The Council and the independent experts need to observe Bangladesh's human rights situation with proactive efforts to protect its citizens. It is also important to acknowledge that Bangladesh, for last one year, consistently hides human rights violations behind the Rohingya refugee crisis. The current ground reality requires the Council to create a country mandate to urgently monitor the human rights situation of Bangladesh comprehensively.

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Joint written statement* submitted by the World Evangelical Alliance, the Baptist World Alliance and the Christian Solidarity Worldwide, non-governmental organizations in special consultative status

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Please recycle

Nepal: Criminalization of Religious Conversion Amid Increasing Hostility Towards Christians

1. In this submission to the Human Rights Council's 39th session, the World Evangelical Alliance, Christian Solidarity Worldwide and the Baptist World Alliance wish to highlight Freedom of Religion or Belief concerns in Nepal.

2. Nepal has experienced in recent months growing societal and governmental hostility towards Christians and other minority religious groups. Nepal's recent constitutional and legislative frameworks violate the right to Freedom of Religion or Belief as enshrined in international human rights law.

Nepal's Constitution

3. In September 2015, Nepal enacted a new constitution. Article 26-1 of this constitution protects freedom of religion or belief by stating that "every person who has faith in religion shall have the freedom to profess, practice and protect his or her religion according to his or her conviction."

4. However, while the first clause of Article 26 protects the freedom of religion, wide and far-reaching restrictions are imposed in its third clause: "No person shall, in the exercise of the right conferred by this Article, do, or cause to be done, any act which may be contrary to public health, decency and morality or breach public peace, or convert a person from one religion to another or any act or conduct that may jeopardize other's religion and such act shall be punishable by law."

5. This restriction conflicts with Nepal's constitutional principle of a "proportional inclusive state" as envisioned in the constitution.

6. Furthermore, Article 4 of the constitution provides an explanation of the term "secular" as follows: "'secular' means religious, cultural freedoms, including protection of religion, culture handed down from the time immemorial". This explanation for the term "secularism" is problematic as it seeks to give a special status to Sanatan Dharma – the religion and culture handed down from ancient times which is commonly understood as Hinduism – over and above other all religious faith and traditions.

7. These restrictions violate the right of religious communities to propagate the tenets of their belief, as such act can be seen an attempt to convert.

Nepal's Criminal Code of 2017

8. The restrictions imposed in the constitution are further strengthened by the offenses related to religion in section nine of the Nepal's Muluki Ain (Criminal Code; 2017 act), which came into effect on 17 August 2018.

9. Article 158 of the Criminal Code denies the right to choose one's religion in the following terms: "(1) No one should involve or encourage religious conversion; (2) No one should convert a person from one religion to another religion or profess their own religion and belief with similar intention by whether using or not means of attraction, and by disturbing the religion or belief of any ethnic groups or community that is being practiced from time immemorial (Sanatan)."

10. Articles 156, 157 and 159 of the Criminal Code use the vague words "hate", "insult", "wounding religious sentiments" and "obstacles." These words are open to misuse. This section of the criminal code has "a chilling effect" on freedom of expression as the section fails to provide the clear boundary of what is prohibited. These clauses could be invoked against a wide range of legitimate expressions of religious faith that are protected by international law.

Lack of Political Representation

11. Nepal's elections are based on a proportional representation system. However, in February 2018, the European Union's Election Observation Mission to Nepal released its report on Nepal's House of Representatives and provincial assembly elections. The report said that Christians were not represented in the election, despite comprising 1.4 percent of the population. The report indicated that Nepal's electoral system is not fully inclusive, as claimed in the constitution.

Increased violence against Christians

12. These legislative and political developments have been accompanied with increased violence against religious minorities, especially against the Christian minority.

13. In March 2018, Sonia Chanda Thakuri was arrested with her six months old baby and accused of attempting religious conversion and destroying Hindu idols. She was released after a week but her court case is ongoing.

14. On April 28, a Catholic church building in the Kohalpur area of the Banke District was set on fire. Members of Hindu Jagran Nepal reportedly threatened to destroy it on April 30.

15. In May 2018, a radical Hindu cleric was arrested for faking an assassination attempt on himself. His purpose was to stoke religious hatred against Christians and the Mangol community.

16. During the month of May, four churches were attacked and set on fire in the span of only eight days. On 12 May, two churches were bombed in Kanchanpur and Taranagar. Local church leaders believe that these attacks were most likely done by Hindu extremists. Six Christians were arrested, on May 9, for sharing their testimonies publicly in Teherathum. These Christians were imprisoned over two weeks on the charge of preaching their religion.

17. On July 19, pastor Sagar Baizu, 46, was assaulted by six to eight men in broad daylight in crowded café, who threatened him with further attacks on churches and on Christian leaders.

Government Statements and Action Further Stigmatize the Nepali Christian Community

18. Six Christians were arrested, on May 9, for sharing their testimonies publicly in Teherathum. These Christians were imprisoned overnight on the charge of preaching their religion. On July 9, a district court acquitted them from all charges.

19. On May 19, two Christians were arrested for Christian teachings in their home and accused of speaking against Hindu gods. They were held overnight in a cell and released the next day.

20. Also, on May 19, authorities closed down a Christian orphanage, New Vision Children's Home, and arrested the manager, Jyoti Gurung, wife of pastor Chandra Gurung, selectively enforcing a largely ignored requirement that orphanages should be registered.

21. On June 15, Ms. Deepu Karmachari was arrested on charges of evangelizing. Karmachari, 50, was preaching at the home of Khushbu Kamat when a young man noticed her and called police, who then arrested her. She was kept in the custody for one day.

22. In April 2018, Nepalese media quoted that Home Affairs Minister Ram Bahadur Thapa as saying, "through Christianity", attempts were being made to "push the country into conflict". He added that, "A new strategy should be devised to consolidate national unity."

23. In May 2018, Nepal's government has issued a draft document, the National Integrity Policy, laying down strict guidelines about what aid agencies and non-government groups can and cannot do. Aimed at regulating the activities of, namely, Western aid agencies, this policy has broad working, and could easily be misused to restrict the activities of religious minority groups. This policy stipulates that international non-governmental organizations "must not act against Nepal's civilisation, culture, social relations and goodwill," and "must not push for their religious, social or other agendas in Nepal." The policy adds that "INGOs assisting foreign embassies and religious missions or for their narratives will be barred."

24. In June 2018, various Nepali medias reported that the ministers from Home Affairs Ministry and Ministry of Women, Children and Senior Citizen have jointly decided not to renew the registration of local NGOs and INGOs who are involved in religious activities.

Recommendations to the Government of Nepal

25. Remove the explanation for secularism from the Article 4 of the Constitution.

26. Article 26-1 of the Constitution on freedom of religion should be reworded in line with Article 18 of ICCPR. The Constitution should include the freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

27. Draft a suitable Guthi (trust) Act or similar policy on the participation of all the religious groups, keeping special consideration to the practicality of religious minorities as mentioned in article 26-2. Allow the existing religious organizations registered under the NGO Act or the Company Act to operate, or alternatively, allow them to register as religious organizations.

28. Remove the sentence "convert another person from one religion to another or any act or conduct that may jeopardize other's religion" from Article 26-3 of the Constitution.

29. Amend the Criminal Code, removing Articles 155 to 159.

30. Stop arresting or intimidating members of religious minorities on the false charge of attempting to "convert" others.

31. Combat the stigmatization of minority religious communities; take initiatives to foster community cohesion and pluralism.

32. Make provision for the local governments at ward level to facilitate and provide funeral/burial places for all the religious groups according to their own practices.

33. Protect religious minorities and their places of worship, especially those that have received threats, and fully investigate cases of attacks on places of worship and on members of religious minorities.

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Please recycle

Bangladesh: Inaccessible domestic remedies for enforced disappearances requires intervention

The Asian Legal Resource Centre (ALRC) would like to raise the issue of enforced disappearances in Bangladesh before the Human Rights Council. The situation has only deteriorated, without any possibility of improvement under the incumbent government. The ALRC, in its previous written statements and oral interventions to the Council, has reiterated the problems central to the crime of enforced disappearances.

Bangladesh's law enforcement agencies have disappeared at least 432 people under the incumbent government between 1 January 2009 and 31 July 2018. The Detective Branch (DB) and the Counter Terrorism and Transnational Crimes Unit (CTTCU) of the Bangladesh Police, the Rapid Action Battalion (RAB) and the Directorate General Forces Intelligence (DGFI) are allegedly involved in the abduction and disappearance of people.

The law-enforcement agencies continuously deny their involvement in abducting and disappearing citizens. However, weeks or months after the disappearances, nearly one-fourth of the disappeared persons are found detained in prison, embroiled in various fabricated criminal cases. There are many individuals who have never dared to speak of their experiences after returning home.

Bangladesh's police systematically refuse to register complaints regarding enforced disappearances. They insist that the name of the law-enforcement agency be withheld in the complaints. The police also compel the complainant to replace the term "disappearance" with "kidnapped by unidentified miscreants" or "found missing". As a result, the denial of access to the complaint mechanism by the police is the primary hurdle faced by complainants. Seeking justice without having proper access to the complaint mechanism is clearly impossible.

Furthermore, complainants and families of the disappeared continuously face intimidation through physical and digital surveillance by the police, RAB, and the intelligence agencies. Complainants face similar challenges at the Magistrate's Court, where registration of a complaint requires the mandatory assistance of lawyers. Lawyers do not want to step forward to challenge law enforcement agencies, due to various reprisals.

The Police, as the statutory crime-investigating agency, do not conduct investigations of the complaints filed with the police stations or with the Magistrate's Courts, except one case of disappearance of seven people in 2015. As a result, there has been only one prosecution of perpetrators in the last ten years, for committing enforced disappearances and subsequent disposal of bodies.

Around ten Habeas Corpus writs were filed with the High Court Division of the Supreme Court since 2009. The High Court issued Rule against the bureaucrats and officials of perpetrating agencies of the specific writs, asking them to respond to the Rule. Meanwhile, the Office of the Attorney General denies any involvement of the perpetrators of the law-enforcement agencies in disappearing people. The Court also complies with the Attorney General's suggestions, and refrains from holding the perpetrators accountable in the cases of Habeas Corpus. Since 2009, the Supreme Court has never ordered the State agencies to produce people whose whereabouts remains unknown following their abduction by law-enforcement agencies. As a result, the progress of the cases has been zero.

Bangladesh's Prime Minister Sheikh Hasina claimed in a parliamentary speech that the enforced disappearances occurring in Bangladesh is not new, but something that has occurred throughout world history. According to her, disappearances also occur in Britain and the US. She claimed that "275,000 British citizens disappeared" in the United Kingdom each year, and a much higher number in the United States. Such remarks to justify enforced disappearances not only impede the environment of seeking justice, but also inspire the perpetrators to commit the crime with impunity.

In these circumstances, Bangladesh's justice institutions only function as per the wishes of the incumbent government. This reality denies any chance of justice to victims of rights violations.

The ALRC has consistently informed the United Nations Human Rights Council and the Working Group on Enforced or Involuntary Disappearances (WGEID), about the complex realities of Bangladesh concerning enforced disappearances. The Council and the independent experts need to comprehensively understand that the government, which adopts the policy of disappearing citizens, denies the alleged disappearances, justifies the crime, guarantees impunity to the perpetrators, harass and intimidate the complainants and relatives of the victims, and prevents access to the justice mechanism, is responsible for enforced disappearances. While such a government is in place, justice for enforced disappearances through the domestic justice institutions is impossible. Furthermore, the ground realities of

gross human rights violations are being covered up behind the crisis of Rohingya refugees that Bangladesh has sheltered since September 2017. The Council needs to ask whether a government is eligible to walk free for a 'crime against humanity' by hiding behind another such crime committed by a neighbouring state. The ARLC urges the Council to create a mandate of Special Rapporteur on Bangladesh to monitor the human rights situation of the 160 million people facing serious forms of persecutions.

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Technical assistance and capacity-building

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Sudan: Ongoing Imprisonment and Intimidation of Church Leaders, Confiscation and Destruction of Church Property

1. Churches and Christians in Sudan face a variety of violations of their rights to Freedom of Religion or Belief. Pressure from state authorities takes the form of imprisonment of church leaders, confiscation and destruction of church property, and significant other intimidation forcing church leaders to flee.

2. The following is a summary account of violations of the right to Freedom of Religion or Belief.

Demolition of Church Properties

3. The Sudanese Government has a long history of oppressing Christians in Sudan, which intensified following the secession of Southern Sudan in 2011. Since then, the authorities have demolished at least five churches in major cities and confiscated, closed or otherwise interrupted the running of several other churches or Christian institutions.

4. In August 2016, the authorities informed leaders of three churches in the Hajj Yousef area of Khartoum of the scheduled demolition of their churches within 72 hours. The churches belong to the Sudan Church of Christ (SCOC) and Baptist denominations. In October 2016, five more churches were scheduled for demolition in the Bahri, Soba and Jebel Aulia areas of Khartoum. Three of these belong to the SCOC, one to the Presbyterian Church and one to the Episcopal Church. When a court ordered the authorities to produce the demolition order it became apparent that 25 churches were scheduled for demolition. In early 2017 the authorities added two more churches to this list: SCOC church buildings located in Soba al-Aradi and al-Gadisia. These latter two buildings were demolished on 7 and 17 May respectively. On 11 February 2018, the government demolished a church that was on the original list of 25 churches, a SPEC church in Hajj Yousef.

5. The authorities claim these church buildings violate zoning laws and are not properly licensed. However, the authorities refuse requests for the licensing of existing church buildings and for permission to build new church buildings. The government claims that, since most Christians relocated to Southern Sudan following secession, the number of existing, recognized church buildings is sufficient for the remaining Christian communities. However, the demolition of unlicensed church buildings and the refusal to license existing buildings or build new ones leaves Christians in many areas on the outskirts of Khartoum without a place of worship.

Unlawful Confiscation & Sale of Church Properties

6. In 2017 the Sudanese authorities continue to confiscate church properties or threaten churches with confiscations. The government does this by illegally appointing committees within church denomination structures which then "sell off" church properties to businessmen allied to the government. The following is a non-exhaustive list.

7. In 2012, the Sudan Presbyterian Evangelical Church (SPEC) dismissed a Church committee, headed by Mr. Hamad Muhammad Salah, for committing fraud, and appointed a new committee, headed by Mr. Raafat Samir. However, Mr. Salah complained to the Government, which "reinstated" the old committee even though the Government has no legal authority to appoint individuals or committees in church denominations. This illegal committee has been selling church properties to businessmen aligned with the Government since 2013. This has led to several Church properties being forcibly confiscated or demolished.

8. On 3 April 2017, a number of Christians had gathered at the Evangelical School in Omdurman (also belonging to the SPEC) as part of a three-day peaceful protest against the illegal appropriation of the school by a

businessman. The police came and arrested all the men, leaving the women behind. Then a group of about 20 people entered the school premises with knives and other weapons and began to beat the women. Several men from the nearby Bahri Evangelical Church rushed to the church to try and protect the women. The armed men attacked them and two church members were stabbed. Younan Abdullah, an elder in Bahri Evangelical Church, later died of his injuries. A second church member, Ayoub Kumama, was treated at a nearby hospital. During the attack, the police were present but failed to intervene or help Younan after he was stabbed. Following the death of Younan the police arrested Shamshoun Hamoud, a member of the illegal committee as identified by eye witnesses as the person who stabbed Younan. None of the other attackers were arrested.

9. On 26 April 2017, police and an armed mob attacked the same SPEC compound in Omdurman and entered the living quarters of the church guard, Azhari Tambra. His wife, Mona Matta, and their three children were arrested and held in custody for twelve hours and their belongings were destroyed. The police and the mob attacked and occupied part of the church compound without legal documents and no longer allow access.

10. On 15 August 2017, the authorities evicted Rev. Yahia Abdelrahim Nalu, a leader of SPEC, from his home on the SPEC compound in Omdurman. The belongings of Rev. Yahia and his family were removed from the house, which is owned by the SPEC. On 21 August 2017, Rev. Yahia went to court to appeal the eviction order but was detained and charged with "criminal trespass". He was released on bail later that day. Rev. Yahia, his wife, son and his mother, have no alternative housing option and are forced to stay at the church and rely on other fellow Christians for help. They were finally acquitted due to insufficient evidence in April 2018.

11. The authorities have similarly imposed an illegal church committee on the Sudan Church of Christ (SCOC) which has started to claim ownership of church properties (see below).

12. Currently there are at least 3 court cases ongoing against Christians who peacefully resisted the unlawful confiscations of parts of SPEC compound in Omdurman: (1) one case against Azhari Tambra, his wife, Mona Matta, (see above) and 2 others. (2) one ongoing case against 24 Christian defendants (initially there were 25 defendants, but one, Younan Abdullah, was killed on April 3, 2017, during a confiscation attempt, see above). (3) A third case involving 11 Christians accused of resisting confiscation efforts.

Arrest & Harassment of Church Leaders & Elders

13. Church leaders in Sudan are monitored by the Sudanese Government and are often reluctant to report the violations of religious freedom and harassment that they face, fearing arrest and imprisonment.

14. In December 2015, the authorities arrested four Christians: Rev. Hassan Abduraheem Kodi Taour, Mr. Abdulmonem Abdumawla, Rev. Kuwa Shamal Abazmam Kurri and Mr. Petr Jasek, a Czech national. All four were charged with "espionage", "inciting strife between communities" and several other offences. On 2 January 2017, Rev. Kuwa was acquitted of all charges. However, on 29 January 2017, the court sentenced Mr. Jasek to life imprisonment for espionage, and lesser sentences for other charges. Rev. Hassan and Mr. Abdulmonem were each sentenced to ten years' imprisonment for abetting Mr. Jasek in the crime of espionage, and two years each for lesser crimes.

15. Mr. Jasek was released after a presidential pardon on 26 February 2017 and allowed to leave the country. Rev. Hassan and Mr. Abdelmonem received a presidential pardon and were released on 11 May 2017. Both men continued to feel threatened and were granted humanitarian parole visas by the USA in September 2017. However, the Sudanese authorities made exit visas conditional on the visit to Sudan of the Congressman who sponsored their humanitarian parole visas, Rep. Tom Garrett. However, in spite of the recent visit to Sudan of Rep. Garrett, both men had their exit visas refused by the authorities.

16. The Government has put SCOC leaders under pressure by arresting a number of church members. On 23 August 2017, the authorities arrested at least four SCOC members, charging them with refusing to comply with an order to turn over leadership of their congregations and ownership of their buildings to a government-appointed committee. Sudan's Ministry of Guidance and Religious Endowments had written a letter, dated 14 August 2017, ordering them to hand over church leadership to the committee appointed by the government ministry. When they refused, police opened a case against them, though the legal basis for such a case remains unclear. The men were released on bail pending their trial.

17. On 8 August 2018, the judge ruled in favor of the legitimate church committee and returned administration of SCOC properties back to the church. The five church leaders, including the SCOC president Ayouba Telyan, were able to return to offices the next day.

Recommendations

18. In order to respect its obligations under international law, the government of Sudan should pursue the following:

- an end to punishments for and prosecutions of blasphemy and apostasy
- an end to the confiscation or demolition of church buildings
- an end to the illegal interference in the operations of church denominations and the harassment of church leaders
- a reversal of the ban on the construction of new churches and the licensing of existing church buildings